

**Block Management Program
FWP Response to Audit Recommendations
Short Term (2014 Hunting Season)
April 20, 2014**

NOTE: The Block Management Program Performance Audit Report (13P-04), published October, 2013, included recommendations “*to develop policies and procedures for program operations, address program funding shortfalls, coordinate with state and federal land management agencies, not provide compensation for properties in conservation easements, and implement a compensation method for the Block Management Program that ensures accurate and consistent cooperator payments.*”

Of the seven recommendations offered in the Audit Report, FWP concurred with one, partially concurred with three, and did not concur with three. While FWP will continue to work both internally and with the Private Land/Public Wildlife (PL/PW) Council to review and evaluate the program to determine how best to address some of the longer-term issues discussed in the Audit Report, for the 2014 contracting period which began August 10, 2014, FWP has adopted the following policies and procedures in response to audit recommendations:

I. Audit Report - Recommendation #1

We recommend the Department of Fish, Wildlife, & Parks develop and implement comprehensive policies and procedures to document and establish consistency in the Block Management program’s enrollment, contracting, and re-enrollment processes.

FWP Response - Partially Concur

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All 2014 NEW contracts shall be accompanied by a completed Enrollment Evaluation Form when forwarded to Helena for final review and approval. (Refer to 2014 Enrollment/Re-enrollment Decision Process and Enroll/Re-Enroll Forms)

**BLOCK MANAGEMENT PROGRAM
2014 Guidelines**

2014 Contract Renewals. Contracts due for renewal in 2014 should be renewed for one-year only, due to the program review triggered both by the Block Management Program Audit and through the work of the Private Land/Public Wildlife Council.

2014 New Contract. Any new contract (not re-enrollment agreement) negotiated in 2014 shall utilize a payment system wherein the first year’s payment is based on a estimate of the number

of hunter days predicted to occur, the second year's payment is based on the actual number of hunter days that occurred during the first year of enrollment, the third year's payment is based on an average of the actual number of hunter days that occurred during the first and second year of enrollment, etc. , with the number of actual hunter days that occurred in previous years being averaged for up to a maximum of four years at a time as a basis for payment. (Refer to Diagram)

Species/Gender Impact Payment. If a landowner chooses to place a restriction on any species or gender legal to hunt with a license or permit during a defined season during the contract period, the landowner will not be eligible to receive the species/gender impact payment authorized under ARM 12.4.206 (2) (d), unless the approval required under ARM 12.4.205(e) by the Regional Supervisor can provide written documentation for any biological or management reasons that justify not withholding the species/gender payment.

Length of Season Impact Payment. The standard BMA contract period will be September 1 – January 1, unless hunting opportunities on the BMA exist for species with seasons outside those dates, i.e. early archery antelope, waterfowl, etc. If a landowner chooses to restrict hunting to a time period less than September 1 – January 1, the landowner will not be eligible to receive the Length of Season Impact Payment authorized under ARM 12.4.206 (2) (c). This does not apply to periodic rest periods agreed upon through the contractual agreement.

II. Audit Report - Recommendation #2

We recommend the Department of Fish, Wildlife, & Parks address Block Management funding shortfalls by:

- A. Reducing the total expenditures of the Block Management program, or*
- B. Reviewing additional options to increase Block Management program revenues.*

FWP Response – Concur

FWP has been adjusting the program as revenue sources and amounts have changed, and will continue to do so. This has included not expanding the program and supplementing earmarked funding with federal P-R funding.

FWP has appointed a citizen's advisory committee, called the Licensing & Funding Advisory Council, charged with developing recommendations regarding FWP's license structure. That group is due to present recommendations to the FWP Director by March 15, 2014. It is possible there may be some changes resulting from this work that could affect revenue associated with the Block Management Program. (Report scheduled for PL/PW Council April 23 meeting)

III. Audit Report - Recommendation #3

We recommend Department of Fish, Wildlife, & Parks address issues related to state and federal lands by:

- A. *Allowing public hunting access to state trust lands and federal lands adjacent to Block Management Areas which do not have access restrictions imposed by the appropriate land management agencies;*
- B. *No longer requiring hunters to notify lessees of state trust land prior to engaging in legal hunting activities;*
- C. *Coordinating with Department of Natural Resources and Conservation to restrict public hunting access to state lands when requested by Block Management program activities;*

FWP Response - Do not concur. (No action necessary)

IV. Audit Report - Recommendation #4

We recommend the Department of Fish, Wildlife, & Parks comply with administrative rule by:

- A. *Obtaining and documenting approval from managing federal agencies when including federal lands in Block Management Areas.*
- B. *Coordinating with the Department of Natural Resources and Conservation to include publicly accessible state trust lands within Block Management Areas; (Already do)*
- C. *Discontinuing the use of disclaimers which exclude state trust lands from Block Management Area access rules and restrictions; (Map discussion in later session)*

FWP Response - Partially Concur

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Any 2014 NEW contracts that contain BLM or DNRC land within the boundary of the BMA, and all 2014 RENEWAL contracts that contain any change to acreage that reflects new BLM or DNRC land within the boundary of the BMA, will require signature of appropriate BLM or DNRC supervisor acknowledging awareness of the state or federal land appearing within the defined boundary of the BMA.

V. Audit Report - Recommendation #5

We recommend the Department of Fish, Wildlife, & Parks coordinate with Department of Natural Resources and Conservation to amend administrative rules to define the process for including isolated state trust lands within Block Management Areas.

FWP Response - Do not concur. (No action necessary)

VI. Audit Report - Recommendation # 6

We recommend the Department of Fish, Wildlife, & Parks not provide monetary compensation through the Block Management Program for private acreage that is also in a conservation easement.

FWP Response - Do Not Concur (No action necessary)

VII. Audit Report - Recommendation #7

We recommend the Department of Fish, Wildlife, & Parks use statutory criteria to implement a compensation method for the Block Management Program that ensures accurate, equitable, and consistent payments to program cooperators.

FWP Response - Partially Concur

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For the 2014 contract season, no new hunter management service deductions will be incorporated into contracts, as the Department conducts a review of current ARM and program policies in response to the program audit.

BLOCK MANAGEMENT PROGRAM 2014 Guidelines

Permission slips will be credited for compensation with NO MORE THAN 3 hunter days per hunter unless additional actual use is documented in some way. **While landowners may provide hunters with permission for more than one 3-day period, the intent of this policy is to encourage landowners to utilize a hunter permission system that provides the best accountability of actual hunter use. In many cases, this may involve daily sign-in systems, or permission slips issued for only one or two days. A high percentage of 3-day permission slips may trigger an audit of BMA hunter use, or may require implementation of some more accurate hunter use accountability system.** *In order to qualify as hunter use documentation, permission slips and other hunter use documents must contain, at a minimum, the hunter's name, and either the hunter's complete mailing address or ALS number. (NEW)*

Public hunting for a legal species requiring a license and/or permit and managed through a hunting season is the only activity for which a cooperator may receive compensation under the block management program. **In order to qualify as a "hunter," or to be counted as a "hunter day," licensed hunting during a legal hunting season must be the PRIMARY reason for gaining access to the BMA. MCA 87-6-101 (14) "Hunt" means to pursue, shoot, wound,**

kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.” For the purposes of Block Management hunter use documentation, persons scouting, looking for game, or assisting in the retrieval of game qualify as being engaged in the act of hunting. (NEW) Any access that occurs where hunting is a secondary activity to the primary purpose for gaining access to the property CANNOT be counted as a hunter day and credited for compensation. *For example, contractors working on ranch property who carry rifles in the truck hoping to shoot a deer on the way to or from work do not qualify for hunter day credit, nor do trappers, anglers, gopher shooters, etc.*